

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 96 OF 2006

IN

CHAMBER SUMMONS NO. 444 OF 2006

IN

EXECUTION APPLICATION NO. 72 OF 2006

IN

SUIT NO. 3576 OF 1999

SHREERAM B. PODDAR & ANR. . . PETITIONERS

V/S.

M/S. SURAJBHAN RAJKUMAR & ORS. . . RESPONDENTS

K.P. JAIN I/B VISHAL DATTA FOR PETITIONERS.

S.M. DANGE FOR RESPONDENTS.

CORAM : D.K. DESHMUKH, J.

DATE : 14TH FEBRUARY, 2007.

P.C.

1. Heard learned counsel on both sides. It is clear that on 10th April 2006 an order was passed in Chamber Summons No. 444 of 2006 when the

learned counsel appearing for the defendant made a statement that during the pendency of the Chamber Summons, they would not proceed further in the

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matter. Perusal of the prayers in the Chamber Summons shows that prayer is made for lifting of the attachment and for stay of the further attachment and execution. Despite the statement made, attachment was levied. According to the Respondent attachment was levied by them under the bonafide belief that they had liberty to do so. The said explanation is not acceptable. However now the decree itself has been set aside and the defendant is ready to pay the cost to the petitioner in my opinion following order would meet the ends of justice.

ORDER

. The Contempt Petition is disposed of. The respondents are directed to pay as and by way of costs to the petitioner a sum of Rs. 10,000/-. The costs be paid to the petitioner within a period of 4 weeks from today.

(D.K. DESHMUKH, J.)